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USA WASTE OF CALIFORNIA, INC.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOEL ZEPEDA,

Plaintiff,

v.

WASTE MANAGEMENT, INC., USA
WASTE OF CALIFORNIA, INC. A
WASTE MANAGEMENT COMPANY;
AND DOES 1 THROUGH 50,
INCLUSIVE,

Defendants.

Case No. 2:23-cv-00932-MCE-DMC

**JOINT STIPULATION TO
DISMISS WASTE MANAGEMENT,
INC. WITHOUT PREJUDICE AND
ORDER**

Trial Date: N/A
Complaint Filed: Feb. 28, 2023

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Plaintiff Joel Zepeda (“Plaintiff”) and Defendant USA Waste of California, Inc. (“USA Waste”) by and through their counsel of record (Plaintiff and USA Waste are collectively referred to as the “Parties”), stipulate and agree to the dismissal, without prejudice, of defendant Waste Management, Inc. (“WMI”) from this action as follows:

WHEREAS, on February 28, 2023, Plaintiffs filed a Civil Complaint with the Butte County Superior Court against WMI for the above captioned matter (the “Action”);

WHEREAS, on March 9, 2023, Plaintiffs filed a First Amended Complaint (“FAC”) in the Action, which added USA Waste as a defendant (USA Waste and WMI are collectively referred to as “Defendants”). The FAC includes four (4) causes of action, including: (1) Wrongful Termination in Violation of Public Policy; (2) Disability Discrimination; (3) Wrongful Termination in Violation of DFEH; and (4) Intentional Inflection of Emotional Distress;

WHEREAS, Plaintiff served the Summons and FAC on April 18, 2023 on CT Corporation for both USA Waste and WMI;

WHEREAS, Plaintiff filed the Proof of Service of Summons and FAC for both USA Waste and WMI on April 19, 2023 with the Butte County Superior Court;

WHEREAS, CT Corporation notified Plaintiff on April 19, 2023 that it is not the Agent of Service for WMI, and rejected the service of process;

WHEREAS, USA Waste filed its Answer to the FAC on May 17, 2023;

WHEREAS, USA Waste timely removed the Action on May 18, 2023 to the United States District Court for the Eastern District of California;

WHEREAS, WMI has not appeared in the Action;

WHEREAS, the Parties met and conferred in June 2023 regarding the defective service on WMI, and agreed that it was not properly served;

WHEREAS, after meeting and conferring further, Plaintiff has agreed to dismiss WMI from this action, without prejudice;

JOINT STIPULATION TO DISMISS
WASTE MANAGEMENT INC.

Case No. 2:23-cv-00932-MCE-DMC

1 WHEREAS, Defendants are not providing direct or indirect consideration for
2 WMI's dismissal;

3 WHEREAS, the Court has not entered judgment in this case.

4 **NOW, THEREFORE**, the Parties, by and through their undersigned counsel of
5 record, hereby stipulate and agree to the following:

6 Subject to the above stated terms of this Stipulation, Plaintiff requests for the
7 Court to dismiss Defendant WMI without prejudice.

8 **IT IS SO STIPULATED.**

9
10 Dated: April 5, 2024

**LAW OFFICES OF LARRY L.
BAUMBACH**

/s/ Larry L. Baumbach (approved on 4/5/24)

Larry L. Baumbach
Attorneys for Plaintiff Joel Zepeda

14
15 Dated: April 5, 2024

LITTLER MENDELSON, P.C.

/s/ Douglas L. Ropel


Richard L. Gillespie
Douglas L. Ropel
Attorney for Defendant
USA Waste of California, Inc.

ORDER

The Court, having considered the JOINT STIPULATION TO DISMISS WASTE MANAGEMENT, INC. WITHOUT PREJUDICE, and good cause appearing, hereby **ORDERS** that Defendant WASTE MANAGEMENT, INC. shall be dismissed from the action without prejudice pursuant to the terms of the Parties' Stipulation.

IT IS SO ORDERED.

Dated: April 15, 2024


MORRISON C. ENGLAND, JR.
SENIOR UNITED STATES DISTRICT JUDGE

ORDER ON THE JOINT STIPULATION
TO DISMISS WASTE MANAGEMENT
INC.

Case No. 2:23-cv-00932-MCE-DMC